



State of New Jersey

DEPARTMENT OF EDUCATION
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JON S. CORZINE
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Acting Commissioner

April 21, 2006

TO: Chief School Administrator
Director of Special Education
Administrator of a State Facility
Administrator of a Charter School
Administrator of an Approved Private School for the Disabled
Administrator of a College-Operated Program
Statewide Special Education Advisory Council
Agencies or Organizations Concerned with Special Education

FROM: Roberta Wohle, Acting Director
Office of Special Education Programs

SUBJECT: Sample Notice
Guidance on Excusal from an IEP Team Meeting

The purpose of this memorandum is to supplement the guidance that was provided on June 3, 2005 regarding the excusal of IEP team members from required meetings and to provide a sample notice of a meeting that incorporates the new requirements.

The Individuals with Disabilities Education Act of 2004 (IDEA 2004) provides, with respect to an IEP team member whose area of the curriculum or related service **is not being modified or discussed**, that the IEP team member **shall not be required to attend** an IEP team meeting, in whole, or in part, if the parent and the district agree in writing that the IEP team member need not attend. Although current New Jersey special education regulations do not provide for the excusal of IEP team members from meetings, the language of the IDEA 2004 supersedes state regulation and this provision became effective on July 1, 2005.

To assist districts and parents in implementing this new provision, the Office of Special Education Programs (OSEP) has revised its Sample Notice of an IEP Team Meeting, which is attached for your review. On the first page of the notice, required meetings are listed. The revised notice may be used to invite parents and students, as appropriate, to a variety of required meetings. Whenever practical, a meeting may have more than one purpose (e.g., eligibility/IEP meeting). For initial and continuing eligibility meetings, an asterisk documents that copies of evaluations are included.

At the top of page two, is a box that provides notice of the district's intent to excuse an IEP team member, whose area will not be modified or discussed, at the meeting. In order to excuse the team member, the parent's written consent must be obtained. A Request for Consent is provided on page three. The signed copy of the consent must be returned to the district before the team member may be excused. If the parent declines to sign or fails to return the form, the IEP team member must participate in the entire meeting.

Page three of the sample notice is a Meeting Confirmation Form which should be completed by the parent and returned to the school. This form incorporates new components, including notification to the school that the parent intends to audiotape the meeting, how the parent will participate, either in person, or by electronic conference, and a Request for Consent to excuse a team member whose area is not being discussed.

As you know, the IEP team consists of at least one general education teacher, at least one special education teacher or special education provider, at least one child study team member, the case manager, a representative of the district, the parent, other individuals at the discretion of the parent or district and, if appropriate, the student. As you also know, the case manager may serve in more than one capacity at the IEP team meeting. The case manager is a child study team member and may also be the representative of the district. If someone other than the case manager is serving as the agency representative, the form provides a space to indicate who will serve.

Please note IDEA 2004 also provides for the excusal of IEP team members whose area is being discussed if the parent and the district agree in writing to the excusal and the team member provides written input with respect to his or her area. **Because the language of IDEA 2004 states that "[a] member of the IEP Team may be excused from attending an IEP meeting, in whole or in part..." [emphasis added], such excusals cannot occur unless New Jersey special education regulations are amended.** The proposed special education regulations include such a provision. If these regulations are adopted, a Sample Notice will be developed to address this requirement.

A copy of this memo and the attached sample notice are also available on the department's website at <http://www.nj.gov/njded/specialed/>. You may download the form directly from the website. If you have difficulty, please contact the Office of Special Education Programs at 609-292-0147 for assistance.

We trust this provides useful clarification and guidance.

RW/CK

Attachment

c: Members, State Board of Education
Acting Commissioner Lucille E. Davy
Isaac Bryant
Senior Staff
Rochelle Hendricks
Diane Shoener
County Superintendent
County Supervisor of Child Study
Members, NJ LEE Group
Garden State Coalition of Schools